

BARRED MEMBERS ARRAIGNED

Judiciary Committee To Pass On Right To Take Their Seats.

LINED UP BEFORE SPEAKER

Sweet Tells Them They Were Elected on Platform Inimical to State and Country.

SENATOR LUSK DOUBTFUL

Says There Should Be Distinc- tion Between Evolutionary and Revolutionary Socialism.

Special to The New York Times.

ALBANY, N. Y., Jan. 7.—After a severe lecture from Speaker Sweet, five Socialist members elected from districts in New York City, who came to the capitol today for the opening of the legislative session to take seats in the Assembly, were excluded from that body pending an investigation by its Judiciary Committee on their qualifications for membership.

The excluded men are: Samuel A. Dewitt and Samuel Orr, representing the Third and Fourth Assembly Districts in the Bronx; Charles Solomon, representing the Brownsville District in Brooklyn, and Louis Waldman and August Claessens, representing the Eighth and Seventeenth Assembly Districts in Manhattan. Solomon and Claessens served in the Assembly last year.

This action of the House, which created a sensation, was taken under a resolution introduced by Majority Leader Simon L. Adler and adopted by a vote of 140 to 6. The six negative votes were cast by four of the Socialist members themselves and two Democrats from the Bronx, William S. Evans of the Fifth and J. Fairfax McLaughlin of the Eighth District. Louis Waldman declined to vote.

In the preamble to the resolution introduced by Mr. Adler it was charged that the principles and platforms of the Socialist Party of America, to which the five Socialist members-elect had subscribed, were "inimical to the best interests of the United States of America and of the State of New York." The fact that the Socialist Party had taken a stand in direct opposition to the war, even after this country had become a belligerent, was also recited.

Attorney General Drafted Resolution.

The resolution was drafted by Attorney General Charles D. Newton, in his capacity as counsel for the Lusk committee, which has been investigating seditious activities and propaganda under a mandate from the Legislature for several months past. Deputy Attorney General Samuel A. Berger, who has been the active representative of the Attorney General's office in this investigation, was about the Assembly chamber while the proceedings excluding the Socialists were under way.

The action against them took the five Socialists entirely by surprise. They were first paraded down into the well of the assembly chamber in front of the Speaker's rostrum, in full view of their fellow-members and hundreds of guests and spectators who crowded the galleries and spaces in the assembly chamber, itself set aside for members of Assemblymen's families who had come to witness the ceremonies of the opening day. There they were lined up with the Sergeant-at-Arms on guard while the Sergeant-at-Arms on guard while he charged them and the party they represented with disloyalty. Then they were escorted back to their seats where they were permitted to remain while the roll was called on the Ouster resolution. Upon the adoption of the latter they were hustled out by the Sergeant-at-Arms. Perhaps a dozen persons in the chamber manifested delight in applause as the Socialists made their forced exit.

The expelled members took a train for New York City this evening. There they will confer with counsel and party leaders. When they left they had reached no determination as to whether they would appear before the Assembly Judiciary Committee, when that body comes into being next week, to purge themselves of the charges, or whether they would seek redress through the courts. Mr. Solomon said that the action of the Assembly would make no difference, and that they would "continue to urge their doctrines and advocate changes in the Government by fair and lawful methods through the voters at the ballot box." Later Water M. Cook, State Secretary of the Socialist Party, made public a joint protest, in which he denounced the exclusion of the Socialists from the Assembly as "organized violence."

Speaker Sweet's Denunciation.

The proceedings leading up to the expulsion of the Socialist members began soon after the annual message of Governor Smith had been read in the Assembly. When the Socialists had been arraigned, the Speaker began the reading of his speech, which follows in part:

"You are seeking seats in this body—you who have been elected on a platform that is absolutely inimical to the best interests of the State of New York

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and of the United States. That platform is the doctrine of the Socialist Party and provides that every person elected thereupon subscribes to the rules and regulations, principles and tactics of that party.

"It is not truly a political party, but is a membership organization, admitting within its ranks aliens, enemy aliens, and minors.

"It may be interesting to note that Ludwig C. A. K. Martens, the self-styled soviet Ambassador, an alien who entered this country as a German in 1916, became a member of the party upon his entry into this country and took part in its deliberations.

"It is therefore quite evident that you, elected to public office, in spite of your oath of office are bound to act subject to instructions received from an executive committee which may be made up in whole or in part of aliens or alien enemies owing allegiance to governments or organizations whose interests may be immediately opposed to the best interests of the United States and of the people of the State of New York."

Mr. Sweet quoted from resolutions and manifestos of the Socialist Party to show the subversive and unpatriotic character of that organization, which declared its solidarity with Soviet Russia and indorsed the principles of the Communist Internationale being held at Moscow with its program involving the violent overthrow of organized Government everywhere.

After the roll had been called on the Adler resolution and the result had been announced, Mr. Solomon arose in his seat and attempted to address the Speaker.

"The gentleman who now attempts to address the Chair has no privilege upon the floor of this Assembly pending a determination of his qualification for membership by the Judiciary Committee," said Mr. Sweet sternly.

The Socialist members, after Mr. Solomon had made another vain attempt to be heard, were escorted out by the Sergeant-at-Arms.

Senator Lusk's View.

Senator Clayton R. Lusk, head of the committee which bears his name, said in response to a question, after the Assembly had acted, that it was a matter for the Assembly to determine and no direct concern of his.

"I think it would be unfortunate, though," he said, "if an impression should go out that the action taken against these men was due to the fact that they happen to be Socialists. There should be a sharp differentiation between evolutionary and revolutionary socialism. Any person advocating changes in our Government, no matter how radical or fundamental, by orderly parliamentary methods, has as much right to sit in the Assembly as any person who doesn't, but those advocating revolutionary changes by means of the violent overthrow of Government is another thing. They have no place in any legislative body in this country. Whether these men belong to the first or second category will remain for the Judiciary Committee to determine. They will have their hearings."

The joint protest handed out tonight on behalf of the five Socialist members-elect by State Secretary Cook of the Socialist Party read in part:

"We regard our exclusion from the Assembly as organized violence on the very essence of Democracy—the sacred right of the ballot. It is the denial of representative Government, it is the shameless establishment of an ugly dictatorship—the dictatorship of naked plutocracy.

"The whole procedure is violative of the fundamental law of the land as expressed in the Constitution and the deepest traditions of the Nation as voiced in the Declaration of Independence.

"We believe in the accepted methods of the Socialist Party—agitation, education and organization on the political and industrial field, and the organization of the workers particularly for the expression of social dissatisfaction through their unions and the ballot box. We shall continue to counsel a transformation of society in the direction of industrial democracy which can be accomplished only where the workers own those things their lives depend upon, and we shall urge our auditors and adherents to act in an orderly and legal manner.

"It is not at all improbable that the action of the Assembly is part of a movement of organized capital of which the Democratic and Republican parties are the political champions, to discourage the people with the methods afforded by representative Government, and to provoke them to resort to the methods of violence. We shall do all in our power to expose this conspiracy and defeat its purpose."

PRESS VIEWS OF EXCLUSION.

Conflicting Opinions by New York Papers on Assembly's Action.

The following views of the action of the Assembly in excluding the five Socialist members from this city pending investigation by the House Judiciary Committee of their right to take their seats are taken from editorials in this morning's papers:

New York World: "This is a procedure as extraordinary as it is dangerous.

* * * Not with impunity are entire political parties thus proscribed and deprived of their rights under representative government. What happened at Albany yesterday was a wanton denial of the fundamental principle of representative government. It was in effect Bolshevism masquerading in the livery of Americanism and as gross a violation of the spirit of American institutions as anything the Reds are trying to do."

New York Herald: "It is noticeable in the swift and utterly unexpected action taken at Albany yesterday, that while charges were made, condemnation was withheld, an opportunity for defense before the Judiciary Committee being granted the accused. Of course, the Socialists blame 'organized capital,' 'special privilege,' 'predatory interests,' and other oppressors of the people for their predicament, but in passing judgment on their fitness to represent law-abiding Americans in the Legislature of the State of New York this need be given very little consideration."